

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1907

DATE: 5/01/01

PROPOSAL: Expand a non-conforming residential use in Ldn 75 (Day-Night Average Sound Level). The applicants want to add a sunroom to their personal residence.

GENERAL INFORMATION:

APPLICANT: Lezlie Patton
631 West Harvest Drive
Lincoln, Ne 68521
(402)476-5521

CONTACT: Same as above

PROPERTY OWNER: Richard & Patricia Stromer
3001 West A Street
Lincoln, Ne

LOCATION: 3001 West A Street

LEGAL DESCRIPTION: Generally located in the NE 1/4 of Section 32 T10N R6E

SIZE: 1.25 Acres more or less

EXISTING ZONING: AGR - Agriculture Residential

EXISTING LAND USE: Single-family residence

SURROUNDING LAND USE AND ZONING: H-4 - General Commercial District to the northeast, east, south and west. AGR - Agriculture Residential to the northwest.

COMPREHENSIVE PLAN SPECIFICATIONS: - The comprehensive plan specifies this area as industrial. The Comprehensive Plan indicates that residential uses are discouraged in industrial areas. (Pg. 43)

Additionally, the Comprehensive Plan specifies this area to be part of the Airport Environs.

A goal of the Comprehensive Plan is to “Provide adequate separation between airport sites and noise-sensitive activities”. (Pg. 121-125)

HISTORY:

This property was zoned A-A - Rural and Public Use District until the zoning update of 1979 at which time the property was zoned AGR - Agricultural Residential District.

On **September 2, 1997** Change of Zone #3066 was approved by City Council, which changed the zone of land at SW 33rd and West A Street to R-3 - Residential to allow for a residential subdivision.

On **March 3, 1998** Change of Zone #3044 was approved by City Council, which changed the zone of adjacent land to H-4 General Commercial District to allow for a commercial development.

On **June 29, 1998** Change of Zone #3124 was approved by City Council, which changed the zone of land at SW 27th and West A Street to R-3 - Residential to allow for a residential subdivision.

SPECIFIC INFORMATION:

PUBLIC SERVICE: The area is served by Fire Station #13 generally located at South Coddington Street and West A Street.

ENVIRONMENTAL CONCERNS: Day-Night Average Sound Levels were developed to determine noise emission from aircraft in the Airport Environs. Residences are permitted only in Ldn 60 and less. This area is located within Ldn 75 which is inappropriate for residential use. By allowing further improvement to the residence, the non-conforming use is perpetuated longer into the future.

ALTERNATIVE USES: The site is re-zoned to H-4 and redeveloped according to the Zoning Ordinance.

ANALYSIS:

1. The Building and Safety Department indicated that this area is located at the Ldn 75 contour. Noise related construction standards exist for residences between Ldn 65 and Ldn 70. However, there are no noise related construction standards for residences within Ldn 75.

2. The Airport Authority has indicated that the impact of the proposed addition would be insignificant and does not have any objections to this request.
3. The Public Works and Utilities Department has indicated that the proposed addition is satisfactory.
4. A residential use is inappropriate within Ldn 75.
5. Allowing for the improvement of a non-conforming structure prolongs the life of the residential use. Eventually the non-conforming use should be redeveloped to conform with the Comprehensive Plan and Zoning Ordinance.

STAFF RECOMMENDATION:

Denial

However, should the Planning Commission decide to approve this request, the following standard conditions shall apply:

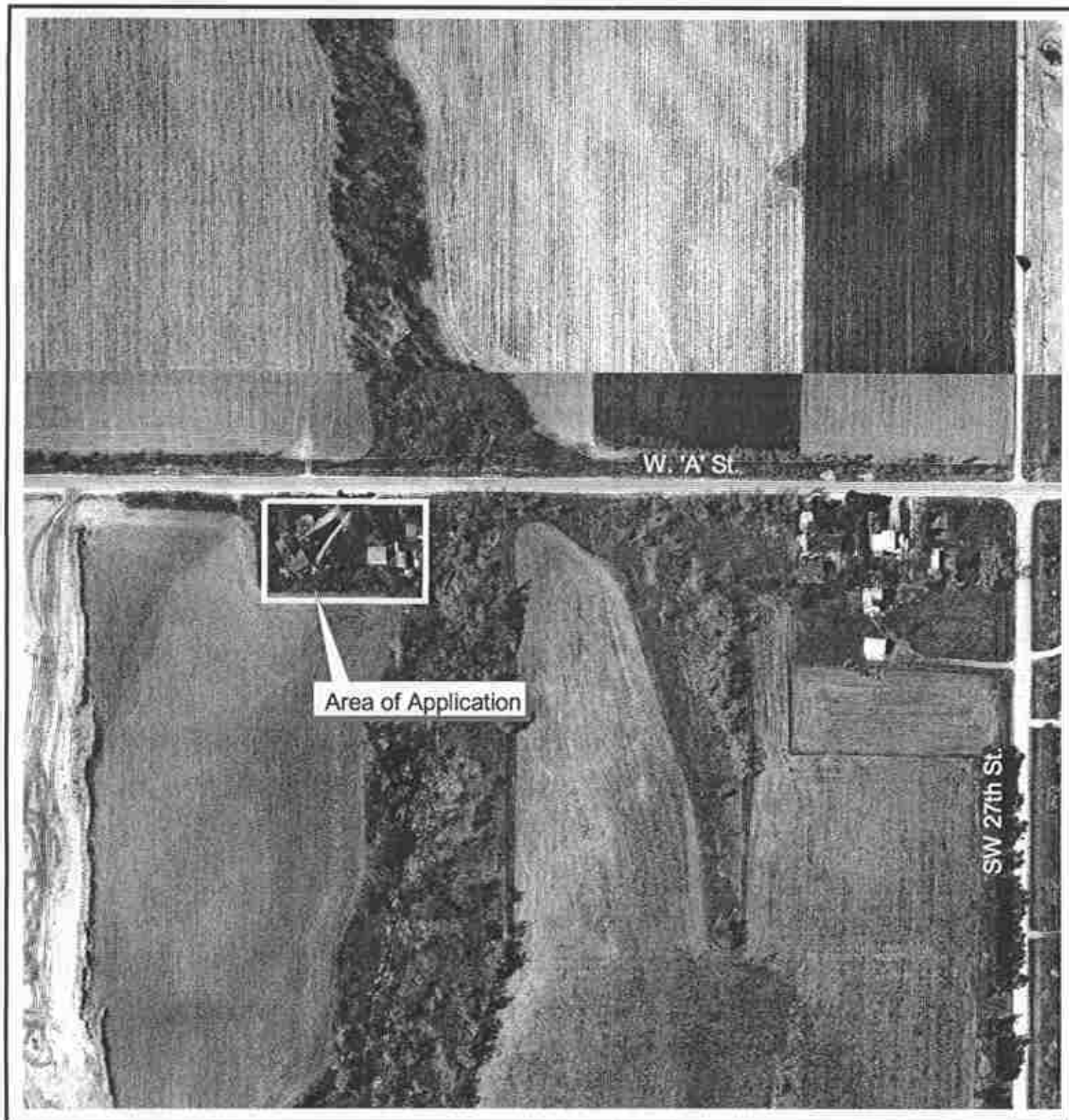
STANDARD CONDITIONS:

1. The following conditions are applicable to all requests:
 - 1.1 Before occupying the addition all development and construction shall have been completed in compliance with the approved plans.
 - 1.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 1.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 1.4 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Becky Horner
Planner

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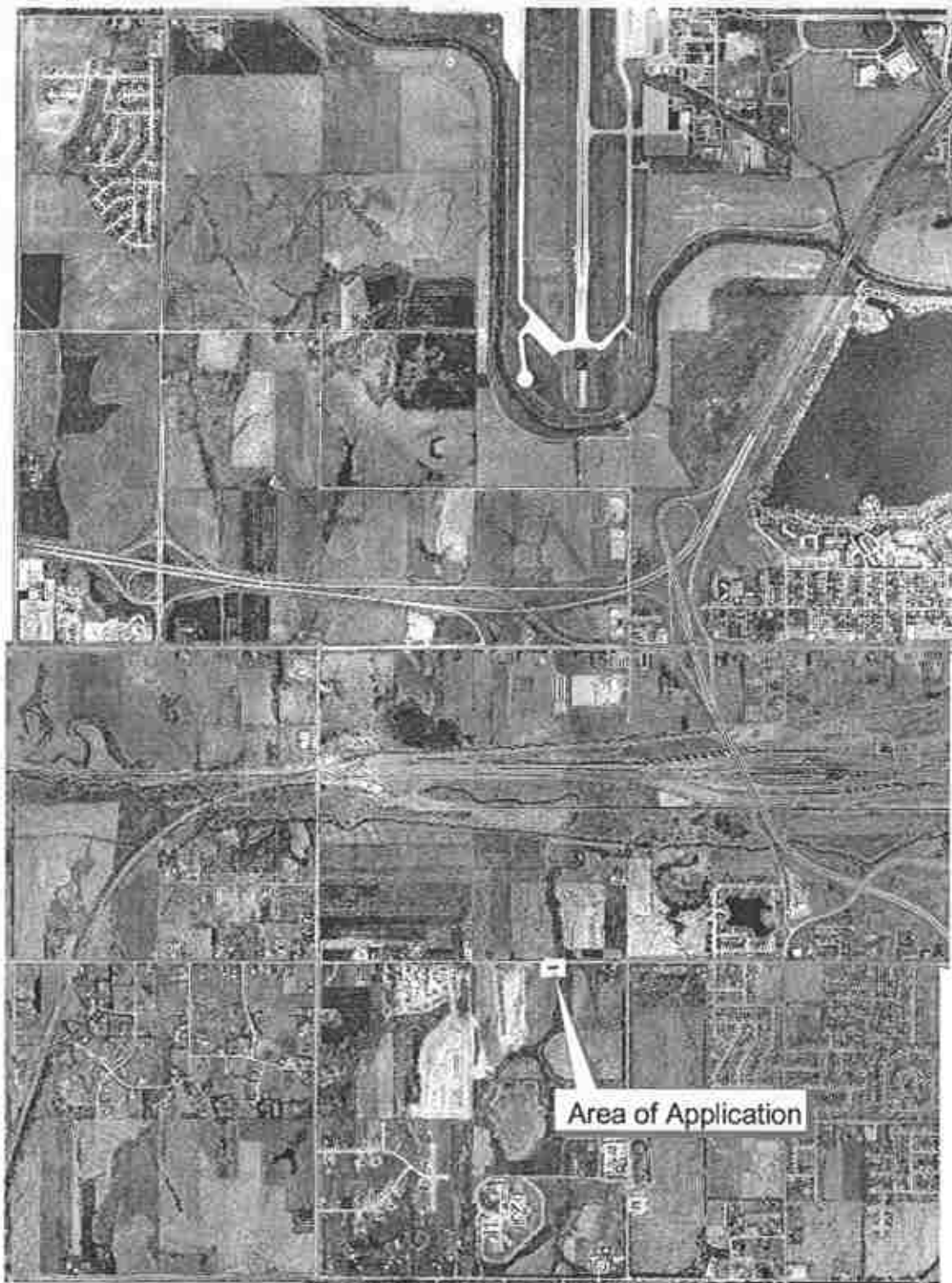
Special Permit #1907
SW 30th & W 'A' St.



Date: 5-2-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.



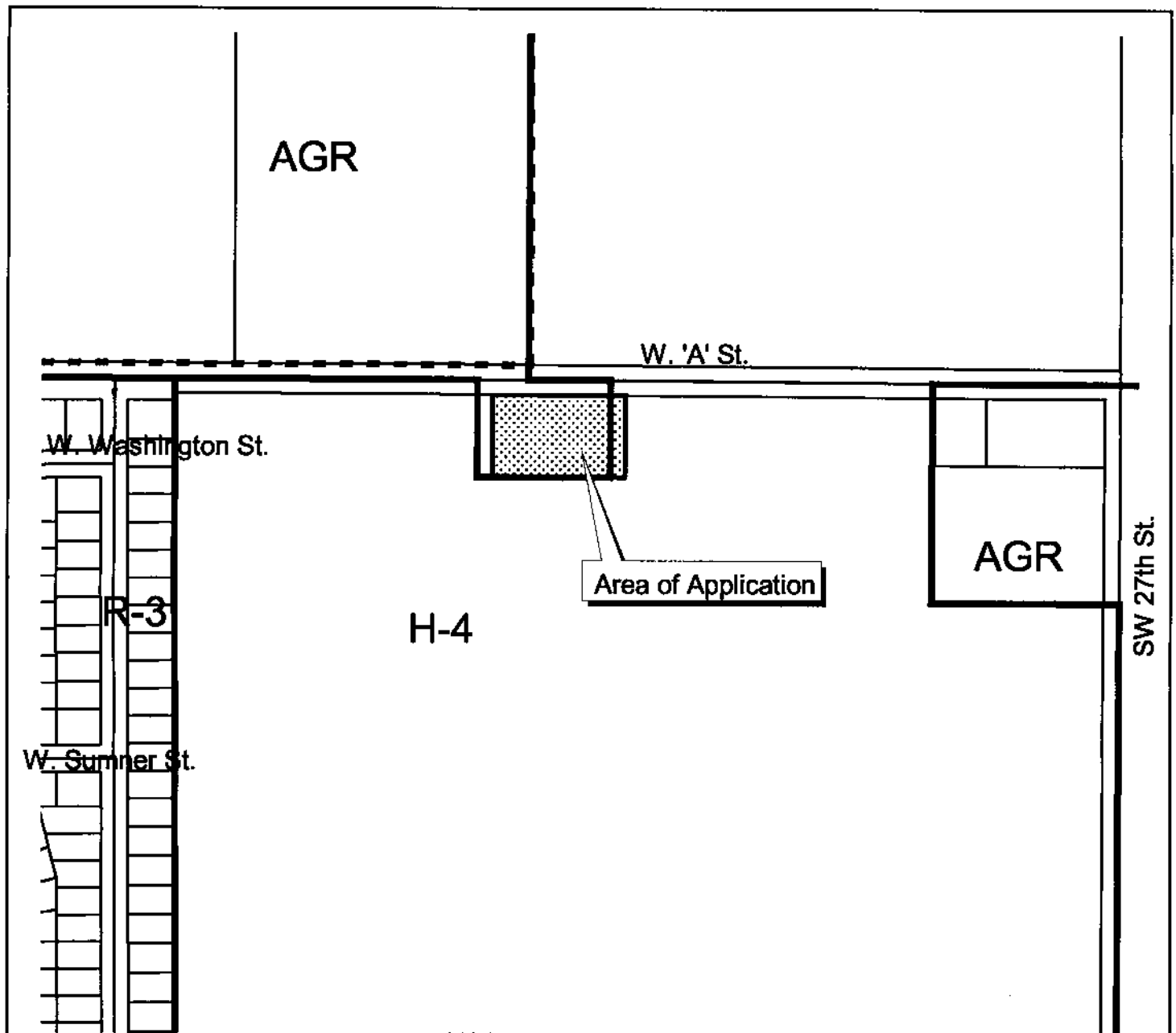
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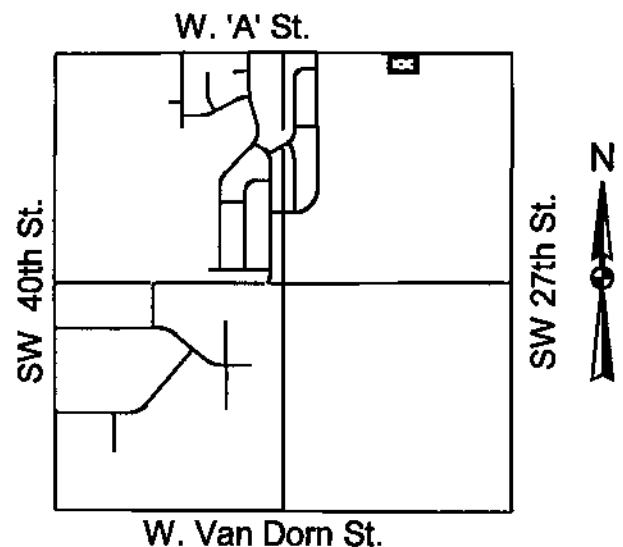
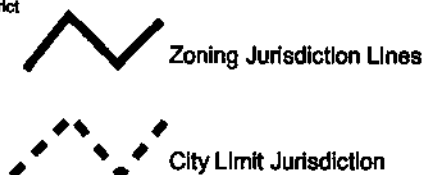
Special Permit #1907 SW 30th & W 'A' St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

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One Square Mile
Sec. 32 T10N R6E



Date: 5-2-01
Lincoln City - Lancaster County Planning Dept.

PLANNING DEPT. _____ SPECIAL PERMIT NO. 1907
ADDRESS OR LOCATION _____
RECEIPT NO. _____ FEE \$ 500.00

APPLICATION FOR A SPECIAL PERMIT

HONORABLE CITY COUNCIL
City of Lincoln, Nebraska

Lincoln, Nebraska 4/18, 20 01

Under the provisions of Chapter 27.63 of the Lincoln Municipal Code, the undersigned hereby applies for a Special Permit to: (indicate proposed use or development)

Enlarge an existing structure in horse exposure area.

on the property described as Lot 31 of irregular tracts located in NE quarter
Addition of section 32 T.10 R.16 E. of the 3rd 6th P.M.

Proposed development of the property is shown on plans attached hereto. Type and character of the proposed use is as follows:

Shedroom addition added to extend dining area of existing
horse. Construction to be as stated in engineering spec.
provided to building & safety dept.

Petitioner Lezie Patton
(Please Print)

Petitioner's Signature Lezie Patton Telephone No. 402-470-5521

Petitioner's Address 631 W. Harriet Dr., Lincoln NE 68521

Contact Person Lezie Patton

Contact Person's Address same as above.

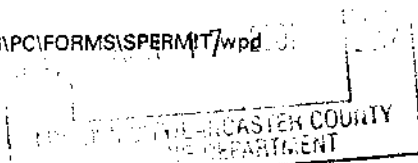
* NOTE: Please designate one individual. All information and questions will be directed to this person.

RECORD OWNER & ADDRESS Richard & Patricia Stomer
3001 W. "A" St., Lincoln NE

Dates of Planning Commission Hearing _____

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April 20, 2000



Lincoln



Nebraska's Capital City

FAXTo: John WoodCompany: Airport AuthorityFax number: 458-2490From: Becky HornerPhone number: 441-6373Date: 5-3-01Number of Pages (including cover page): 6

RE: _____

Notes:

Thanks!REVIEWED BY LAA 5-3-01. WE HAVE NO
OBJECTIONS TO PROPOSED ADDITION.

LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT
555 S. 10th St., Room 213 • Lincoln NE 68508
(402) 441-7491 • Fax: 441-6377 ✕



Rodger P Harris

05/03/01 03:33 PM

To: Rebecca D Horner/Notes@Notes
cc: Chuck A Zimmerman/Notes@Notes
Subject: SP 1907, 3001 West A Street

We have reviewed this application and have the following comment to offer:

1. A building permit request, as well as this special permit request for enlargement of a pre-existing use under 27.58.090 Lincoln Municipal Code (LMC) has been made. The dwelling location is at the Ldn 75 contour line. Section 27.58.090 LMC does not specifically refer to noise related construction standards as found in Section 27.58.060(a)(4) LMC for conditional permitted residential uses in areas between Ldn 65 and Ldn 70. While many typical sunrooms would not meet the acoustical features standards of Section 27.58.060(a)(4) LMC, even if applicable, complete constructions plans for this proposed sunroom have not been submitted yet, thus we are unable to determine any compliance to those standards.

M e m o r a n d u m

[REDACTED]

To: Ray Hill, Planning Department - *BCH*

From: *B* Dennis Bartels, Public Works & Utilities

Subject: Expansion of Non-conforming Use - SW 30th & 'A' Street

Date: May 1, 2001

cc: Roger Figard, Nicole Fleck-Tooze

The proposal to construct an addition to an existing house at 3001 West 'A' is satisfactory to Public Works.

